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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,814	12/16/2003	Jun Fujimoto	402918/SOEI	2867
23548 7590 03/17/2008 LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960			EXAMINER HSU, RYAN	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 03/17/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/735,814

Applicant(s)

FUJIMOTO, JUN

Examiner

RYAN HSU

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

In response to the amendments filed on 1/15/08, claim 8 has been amended. Claims 1 and 4-8 are pending in the current application.

Terminal Disclaimer

The terminal disclaimer filed on 1/15/08 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of co-pending application 10/735,822 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeMay et al. (US 7,198,571 B2) as applied to claims above, and further in view of Missouri Gaming Rules (11 CSR 45-6).

Regarding claim 1, LeMay et al. disclose a service management system for managing hotel and casino services provided in a hotel in which a casino is located, comprising: a house card issuing means for issuing a house card which stores user information enabling identification of a user of the downloading services (*see Fig. 5 and the related description thereof*); a intra-service server which, for transmitting casino data required for a casino game in response to a

download request including the user information (*see Fig. 6*); and a service management server comprising means for managing a casino deposit which enables the user to utilize the casino services upon acquisition of the house card, and for restricting use of the casino services by the user based on usage restriction conditions placed on the casino deposit, where the house card is a guest room key for a user lodging in the hotel (*see Fig. 1(a-c)-2 and the related description thereof*). Although, LeMay et al. does not specifically state the incorporation of a usage restriction condition to restrict the use of casino services when a deposit accumulated over a time period has exceeded an upper limit, there are regulatory codes that would be implemented to meet the needs of the current legal regulations (*ie: restricting use of casino services when a casino deposit or amount lost by a player has exceeded an upper limit accumulated over a time period*) which is an old and well-known function in the gaming industry. In an effort to help reduce players from losing too much money at the casino due to unregulated gambling habits or other unfortunate events, many states have established laws to prevent people from going bankrupt through foolish gambling habits. As taught in the rules set forth by the Missouri Gaming Commission a casino is specified to have a usage restriction of funds if an upper limit (*ie: \$500.00*) has been exceeded over a predetermined time period (*see pg. 4-5*). One would be motivated to incorporate this feature into the casino management system in order for it to meet the regulations set forth by gaming commissions such as the state of Missouri. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate this feature into the casino management system of LeMay et al. This feature meets the limitations of the claims since the usage restriction conditions are to disable the use of casino services when an upper limit has been exceeded over a time period. As such, the “casino

deposit" (*ie: the accumulated amount of money the player has deposited into their account*) has reached an upper limit of \$500.00 then the player would be restricted from use of casino services. As such, the credit tracking techniques taught in LeMay incorporated with the Missouri gaming laws would meet the limitation of a usage restriction conditions that restricts the use of the casino services when the casino deposit accumulated over a time period has exceeded an upper limit.

Regarding claims 4 and 6, LeMay et al. teaches a downloading server for comprising the intra-service server comprises means for updating the casino data in response to an update request (*ie: stored record, see col. 22: ln 3-24*).

Regarding claim 5, LeMay et al. teaches a downloading service system that comprises a multi-media server for transmitting content data to the casino data reception means in response to the download request and a house card server for storing service data indicating the use of the downloading services for downloading the content data (*see col. 21: ln 45-col. 22: ln 24*).

Regarding claim 7, LeMay et al. teaches a downloading service system that comprises an action history management server for managing the actions of the user by obtaining the user information (*ie: cashless server, see Fig. 3 and the related description thereof*).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over LeMay et al. (US 7,198,571 B2) and Missouri Gaming Rules (11 CSR 45-6) as applied to the claims above and in further view of Walker et al. (US 2003/0211889 A1).

Regarding claim 8, LeMay et al teaches a service management system for managing hotel and casino services provided in a hotel in which a casino is located comprising means for managing a casino deposit which enables a user to utilize casino services and for restricting use

of the casino services by the user (*see col. 5: ln 1-col. 6: ln 10*). LeMay et al teaches that the system is able to validate user credits using the cashless server system, for example when the player's debit accounts associated with a financial institution are no longer available (*see col. 5: ln 1-col. 6: ln 10*). Although LeMay et al does not explicitly state that it rejects services to a user when the casino deposit reaches zero, this would be an obvious situation, which would result in what LeMay et al classifies as a "rejected service" by the transaction processor (*see col. 7: ln 35-57, col. 8: ln 12-65*). Since if a player's account has run out of financial resources then the system would reject a transaction and prevent the user from any other services until the problem was remedied in the form of a sent message from the server. This is a basic functionality of a credit card or debit card as taught in the prior art of LeMay et al. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the limitation that services would be halted if an account deposit reached zero, since it would mean that the player no longer has any funds to be played with the account. As a result the system of LeMay in combination with the Missouri Gaming Rules teaches a gaming system that monitors the user's funds in an account of whether or not a player is allowed to play a game within a casino. However, LeMay is not specific to restricting various types of casino services and is a basic account monitoring system. To further elaborate on the state of the art with respect to casino monitoring systems, Walker et al. is introduced to teach the state of the providing additional services to players in a gaming environment.

Walker et al. teaches a gaming system that provides players with access to entertainment services as long as they have met the "establishment-specific criteria" (*see paragraph [0018]*). Additionally, Walker et al. teaches that a player's account history is evaluated and if the player's

account is determined to qualify he/she is able to gain access to special entertainment services and perks within the casino (*see paragraph 0065*)). Walker et al. teaches that the determination for offering casino services is based upon whether or not a player's account history is able to cover the expected costs of providing access to the entertainment services (*see paragraph [0070-0072]*). The qualifications are detailed as requirements for amount played by a user's account or amount deposited into an account as possible qualifying factors (*see paragraph 0072*)). One would be motivated to incorporate such a teaching into that of LeMay in order to provide a service that would enhance the gaming experience while maintaining the profitability of the casino. Therefore the teachings of Walker et al. teach of having a usage restriction qualification if a user's casino deposit reaches zero (*ie: player does not qualify because the account does not have enough money being spent by the player*). Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Walker with that of LeMay and Missouri Gaming Rules to provide additional services to players in a casino while maintaining the profitability of the casino establishment.

Response to Arguments

Applicant's arguments filed 1/15/08 have been fully considered but they are not persuasive. The applicant's arguments are directed towards the misinterpretation of the usage restriction requirement of the applicant's invention. The applicant's representative argues that the usage restriction taught in the combination of LeMay and Missouri Gaming Rules is different from one another because unlike the Missouri Gaming Rules the usage restriction of the instant invention is to prevent damage to the casino from a person having a legitimate or illegitimate winning streak so the casino does not go bankrupt. However, this types of reasoning is not

commensurate with the scope of the claims. The instant invention only calls for a usage restriction that contains an upper limit and a lower limit. Inherently all account monitoring devices will have a fund amount value which contains this lower limit of zero. The Missouri Gaming Regulations introduces an upper limit which prevents a player from playing too much money and prevents them from going bankrupt. Once a player has reached either the lower or upper limit the player's account is then restricted from use. Whether or not this is intended to prevent damage to the casino or the player is currently not commensurate with the scope of the claims. Furthermore, the applicant's reasoning is that of "intended use". As the structure has already been shown by the prior art of record the system as taught by the prior art of record and therefore is not patentably distinct from what the current application is claiming. As a courtesy the Examiner has also introduced the Walker reference to teach other types of usage restriction systems in the prior art.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN HSU whose telephone number is (571)272-7148. The examiner can normally be reached on 9 :00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714

RH
March 1, 2008